

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,025	ARMSTRONG, BRAD A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis-Doon Chow	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the examiner's amendment dated 3/23/07.
2.  The allowed claim(s) is/are 1-3 and 5-8.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

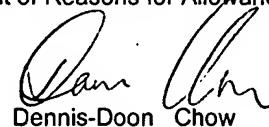
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



Dennis-Doon Chow  
Primary Examiner  
Art Unit: 2629

#### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brad Armstrong on March 23, 2007.

The application has been amended as follows:

**Cancel claim 4; and**

**Replace claim 5 with the following claim.**

5. Imagery controlling apparatus, comprising:

three-dimensional imagery; the three-dimensional imagery is displayed on a television; at least in part controlling the three-dimensional imagery is circuitry; the circuitry reads output of a sensor; the circuitry reads the sensor output as

On/Off data, the On/Off data at least in part controls the three-dimensional imagery; and the circuitry reads the sensor output as

proportional data, the proportional data proportionally controls at least in part the three-dimensional imagery;

a single independent button is located to activate the sensor, the button is shaped and positioned to be depressed by a single human finger or thumb of a

hand of a user;

a first variable resistor is a rotary potentiometer; the first variable resistor comprises:

a rotational shaft; and

terminals; the terminals of the first variable resistor are soldered to the circuitry located on a circuit board;

a second variable resistor is a rotary potentiometer; the second variable resistor comprises:

a rotational shaft; and

terminals; the terminals of the second variable resistor are soldered to the circuitry located on the circuit board;

a third variable resistor is a rotary potentiometer; the third variable resistor comprises:

a rotational shaft; and

terminals; the terminals of the third variable resistor are soldered to the circuitry located on the circuit board;

a fourth variable resistor is a rotary potentiometer; the fourth variable resistor comprises:

a rotational shaft; and

terminals; the terminals of the fourth variable resistor are soldered to the circuitry located on the circuit board.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The present invention relates to an Imagery controlling apparatus having circuitry reading both On/Off data and proportional data from a sensor and using the data to control the imagery. Also the sensor has passive tactile feedback and the circuitry controls active tactile feedback. The prior art of record does not teach or suggest a sensor outputting proportional data for proportionally controlling at least in part a three dimensional imagery; a single independent button is located to activate the sensor, the button is shaped and positioned to be depressed by a single human finger or thumb of a hand of a user; a first variable resistor having a rotational shaft; a second variable resistor having a rotational shaft; a third variable resistor having a rotational shaft; and a fourth variable resistor having a rotational shaft.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Remarks***

3. The new claim 5 includes all the limitations of claims 4 and 5 with the exception of:

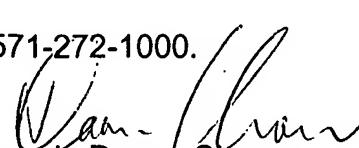
*a passive tactile feedback structure, the passive tactile feedback structure is a resilient dome associated with the sensor, the resilient dome providing a soft snap tactile feedback vibration to the finger with depression of the button.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dennis-Doon Chow  
Primary Examiner  
Art Unit 2629